

House File 295 - Introduced

HOUSE FILE 295
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 92)

A BILL FOR

1 An Act prohibiting counties and cities from establishing
2 certain regulations relating to employment matters and the
3 sale or marketing of consumer merchandise, providing for
4 properly related matters, and including effective date
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 216.19, subsection 1, Code 2017, is
2 amended to read as follows:

3 1. All cities shall, to the extent possible, protect the
4 rights of the citizens of this state secured by the Iowa civil
5 rights Act. Nothing in **this chapter** shall be construed as
6 indicating ~~any of the following:~~

7 ~~a. An intent on the part of the general assembly to occupy~~
8 ~~the field in which **this chapter** operates to the exclusion of~~
9 ~~local laws not inconsistent with **this chapter** that deal with~~
10 ~~the same subject matter.~~

11 ~~b. An an intent to prohibit an agency or commission of~~
12 ~~local government having as its purpose the investigation and~~
13 ~~resolution of violations of **this chapter** from developing~~
14 ~~procedures and remedies necessary to ~~insure~~ ensure the~~
15 ~~protection of rights secured by **this chapter**.~~

16 ~~c. Limiting a city or local government from enacting any~~
17 ~~ordinance or other law which prohibits broader or different~~
18 ~~categories of unfair or discriminatory practices.~~

19 Sec. 2. Section 331.301, subsection 6, Code 2017, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. c. (1) A county shall not adopt an
22 ordinance, motion, resolution, or amendment that sets standards
23 or requirements regarding the sale or marketing of consumer
24 merchandise that are different from, or in addition to, any
25 requirement established by state law. For purposes of this
26 paragraph:

27 (a) "*Consumer merchandise*" means merchandise offered for
28 sale or lease, or provided with a sale or lease, primarily but
29 not exclusively for personal, family, or household purposes,
30 and includes any container used for consuming, carrying, or
31 transporting such merchandise.

32 (b) "*Container*" means a bag, cup, package, container,
33 bottle, or other packaging that is all of the following:

34 (i) Designed to be either reusable or single-use.

35 (ii) Made of cloth, paper, plastic, including foamed or

1 expanded plastic, cardboard, corrugated material, aluminum,
2 glass, or postconsumer recycled or similar material or
3 substrates, including coated, laminated, or multilayer
4 substrates.

5 (iii) Designed for consuming, transporting, or protecting
6 merchandise, food, or beverages from or at a food service or
7 retail facility.

8 (2) An ordinance, motion, resolution, or amendment adopted
9 prior to the effective date of this Act that violates this
10 paragraph is void and unenforceable on and after the effective
11 date of this Act.

12 Sec. 3. Section 331.304, Code 2017, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 12. *a.* A county shall not adopt, enforce,
15 or otherwise administer an ordinance, motion, resolution, or
16 amendment providing for any terms or conditions of employment
17 that exceed or conflict with the requirements of federal
18 or state law relating to a minimum or living wage rate,
19 any form of employment leave, hiring practices, employment
20 benefits, scheduling practices, or other terms or conditions
21 of employment.

22 *b.* An ordinance, motion, resolution, or amendment adopted
23 prior to the effective date of this Act that violates this
24 subsection is void and unenforceable on and after the effective
25 date of this Act.

26 Sec. 4. Section 364.3, subsection 3, Code 2017, is amended
27 by adding the following new paragraph:

28 NEW PARAGRAPH. *c.* (1) A city shall not adopt an ordinance,
29 motion, resolution, or amendment that sets standards or
30 requirements regarding the sale or marketing of consumer
31 merchandise that are different from, or in addition to, any
32 requirement established by state law. For purposes of this
33 paragraph:

34 (a) "*Consumer merchandise*" means merchandise offered for
35 sale or lease, or provided with a sale or lease, primarily but

1 not exclusively for personal, family, or household purposes,
2 and includes any container used for consuming, carrying, or
3 transporting such merchandise.

4 (b) "*Container*" means a bag, cup, package, container,
5 bottle, or other packaging that is all of the following:

6 (i) Designed to be either reusable or single-use.

7 (ii) Made of cloth, paper, plastic, including foamed or
8 expanded plastic, cardboard, corrugated material, aluminum,
9 glass, or postconsumer recycled or similar material or
10 substrates, including coated, laminated, or multilayer
11 substrates.

12 (iii) Designed for consuming, transporting, or protecting
13 merchandise, food, or beverages from or at a food service or
14 retail facility.

15 (2) An ordinance, motion, resolution, or amendment adopted
16 prior to the effective date of this Act that violates this
17 paragraph is void and unenforceable on and after the effective
18 date of this Act.

19 Sec. 5. Section 364.3, Code 2017, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 12. *a.* A city shall not adopt, enforce,
22 or otherwise administer an ordinance, motion, resolution, or
23 amendment providing for any terms or conditions of employment
24 that exceed or conflict with the requirements of federal
25 or state law relating to a minimum or living wage rate,
26 any form of employment leave, hiring practices, employment
27 benefits, scheduling practices, or other terms or conditions
28 of employment.

29 *b.* An ordinance, motion, resolution, or amendment adopted
30 prior to the effective date of this Act that violates this
31 subsection is void and unenforceable on and after the effective
32 date of this Act.

33 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
34 immediate importance, takes effect upon enactment.

35 EXPLANATION

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill prohibits a county or city from adopting,
4 enforcing, or otherwise administering an ordinance, motion,
5 resolution, or amendment providing for any terms or conditions
6 of employment that exceed or conflict with the requirements of
7 federal or state law relating to a minimum or living wage rate,
8 any form of employment leave, hiring practices, employment
9 benefits, scheduling practices, or other terms or conditions
10 of employment.

11 The bill prohibits a county or city from adopting an
12 ordinance, motion, resolution, or amendment that sets standards
13 or requirements regarding the sale or marketing of consumer
14 merchandise that are different from, or in addition to, any
15 requirement established by state law.

16 The bill defines "consumer merchandise" as merchandise
17 offered for sale or lease, or provided with a sale or lease,
18 primarily but not exclusively for personal, family, or
19 household purposes, and includes any container used for
20 consuming, carrying, or transporting such merchandise. The
21 bill defines "container" as a bag, cup, package, container,
22 bottle, or other packaging that is designed to be either
23 reusable or single-use, made of certain materials specified
24 in the bill, and designed for consuming, transporting, or
25 protecting merchandise, food, or beverages from or at a food
26 service or retail facility.

27 The bill provides that an ordinance, motion, resolution, or
28 amendment adopted prior to the effective date of the bill that
29 violates these prohibitions is void and unenforceable on and
30 after the effective date of the bill.

31 The bill strikes language providing that nothing in Code
32 chapter 216, the Iowa civil rights Act of 1965, shall be
33 construed as an intent on the part of the general assembly to
34 occupy the field in which Code chapter 216 operates to the
35 exclusion of local laws not inconsistent with Code chapter 216

1 that deal with the same subject matter. The bill also strikes
2 language providing that nothing in Code chapter 216 shall be
3 construed as limiting a city or local government from enacting
4 any ordinance or other law which prohibits broader or different
5 categories of unfair or discriminatory practices than are
6 provided in Code chapter 216.

7 The bill takes effect upon enactment.